RECENT CASES.

ATTACHMENT—ALIAS WRIT.—DYE ET AL. V. CRARY ET AL., 78 PAC. 533 (N. M.).—*Held*, that, there being no statutory authority for the issuance of an *alias* writ of attachment, such a writ gives the court no jurisdiction over property levied on by virtue of it.

It is a well settled principle that, attachment being in derogation of common law, statutes in connection therewith must be strictly construed in favor of the one against whom the proceeding is employed. *Penoyer v. Kelsey*, 150 N. Y. 77; *Ritchie v. Sayers*, 100 Fed. 520. But it is also true that a court should not push the strict construction so far as to leave the creditor remediless. *Taylor v. Ricards*, 9 Ark. 378; *Rawles v. Hoare*, 61 Barb. 266. In a few jurisdictions even the general principle is denied. *Force v. Hubbard*, 26 Ga. 289; *Runyan v. Morgan*, 7 Humph. 210. It would seem that with this conflict, this particular point, which might well come in the exception above, ought to be decided more upon general justice than strictly under the broad rule. And it is so held in most jurisdictions. *Majarrietta v. Saenz*, 80 N. Y. 547; *Elliot v. Stevens*, 10 Iowa 418. But other jurisdictions cling to the other holding. *Pack v. American Trust, etc., Bank*, 172 Ill. 192; *Watson v. Noblett*, 65 N. J. L. 506.

BANKRUPTCY—DISCHARGE—EFFECT OF AMENDMENT OF 1903.—IN RE NEELEY, 12 AM. B. R. 407.—*Held*, that the amendment of 1903 to Sec. 14b, Bankruptcy Act of 1898, which forbids a discharge if the bankrupt has been granted a discharge in voluntary proceedings within six years, is not retroactive, but that a new condition of discharge was fixed, in case of a petition of bankruptcy filed after passage of the amendment.

There is no constitutional right to a discharge in bankruptcy, and regulations changing the conditions upon which discharge will be granted are not unconstitutional. *In re Peterson*, 10 Am. B. R. 355. A statute is not necessarily retroactive because its operation in a given case may depend upon an occurrence anterior to its passage. *Endlich Inter. Stat.*, Sec. 280. Under a state bankruptcy law a provision similar to the amendment here considered was held not to be retroactive. *Eastman et al v. Hillard*, 7 Metc. 420. To this effect have been the decisions occurring under the previous national bankruptcy acts. *In re Gifford*, 16 N. B. R. 135; *In re Griffiths*, 10 N. B. R. 456. *Contra*, *In re Sheldon*, 8 Ben. 67. In construing another section of the amendment of 1903, which forbids a discharge if the applicant has obtained property on credit from any person upon a materially false statement in writing, it was held that the statute was not retroactive, but that it merely set forth a condition precedent to discharge. *In re Scott*, 126 Fed. 981; *In re Peterson, supra*. The case of *In re Carleton*, 131 Fed. 146, is directly in point, and sustains the holding in the present case.

CARRIERS—PASSENGER TICKETS—STATUTE OF LIMITATIONS.—CASSIANO V. GALVESTON, H. & S. A. R. Co., 82 S. W. 806 (TEX.).—Where a passenger presents a railroad ticket, unlimited as to time, but purchased fourteen years